

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Richmond Division)**

JAMES RYALS, JR. et al.,

Plaintiffs,

v.

Civil Action No. 3:09cv625

HIRERIGHT SOLUTIONS, INC., et al.,

Defendants.

**JOINT MOTION TO STAY PROCEEDINGS**

Plaintiffs and Defendants, by counsel, jointly move for entry of a Consent Order Staying Proceedings Pending Mediation. In support of this motion, the parties represent as follows:

1. This case is pending in this Court with both individual and putative class claims.

The Complaint was filed on October 5, 2009.

2. The Court entered an agreed scheduling order providing for a two-phase discovery process. The Court thereby set the following deadlines for completion of Phase I of the case:

<u>Activity</u>	<u>Deadline</u>
Deadline to serve Fed. R. Civ. P. 26(a)(2)(B) expert reports as to Phase I issues	July 30, 2010
Deadline to serve responsive expert reports	August 20, 2010
Deadline to serve remaining L.R. 26(D)(2) disclosures	August 27, 2010
Close of Phase I fact discovery (including depositions and production of written discovery)	September 10, 2010
Deadline for Phase I expert depositions	September 10, 2010
Deadline to file motions for summary judgment as to claims of named Plaintiffs on Phase I issues	September 17, 2010
Deadline to file motions regarding class certification	September 24, 2010

3. The parties have met the current deadlines and are presently engaged in substantial discovery by means of Interrogatories, Requests for Production, Requests for Admission, non-party subpoenas and various party and non-party deposition notices.

4. Defendants Altegrity, Inc., USIS International, Inc., and Explore Information Services, LLC have filed a Rule 12(b)(6) Motion to Dismiss (alternatively a Motion for Summary Judgment), and HireRight Solutions, Inc. has answered. All Defendants have filed a Motion to Transfer Venue. These motions remain pending before the Court.

5. The parties have exchanged substantial information with each other party and believe they presently have a sufficient understanding of each parties' claims, defenses and positions to commence a meaningful mediation process.

6. Counsel for the Plaintiffs and Defendants have agreed upon a procedural framework for discussing the possibility of settlement, including (a) appointment of a Magistrate Judge to monitor settlement; (b) exchanging limited additional information concerning claims and defenses; and (c) hiring a private mediator to conduct multiple mediation sessions under the supervision of the Magistrate Judge.

7. Accordingly, the Parties ask that a Magistrate Judge be appointed to supervise and monitor the settlement process through private mediation. The Parties suggest that this case be stayed for 60 days or until such time as the Magistrate Judge concludes that the settlement effort has run its course and that it is appropriate to restart active litigation. The parties also ask that the Magistrate Judge be authorized to extend this stay as he concludes is necessary to facilitate the settlement process.

8. Attached as Exhibit A is a proposed Agreed Order. A version of the Order bearing the endorsements of counsel will be submitted in due course.

WHEREFORE, Plaintiffs and Defendants, by counsel, hereby request that the Court enter an Order as follows: (1) staying all proceedings, including the case deadlines for serving or filing disclosures, discovery responses, motions and other pleadings until further order of the Court; and (2) appointing a Magistrate Judge to supervise and monitor settlement discussions, to order from the parties at his discretion any status report(s) and to extend the stay and case deadlines as he concludes appropriate to facilitate settlement.

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**CERTIFICATE OF SERVICE**

I hereby certify that, on August 16, 2010, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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